

REMARKS

Claims 1, 3-17, and 19-47 are pending. Claims 1, 12, 14, 16, 17, 30, 40, 42, and 44 have been amended. Claims 2 and 18 have been cancelled. No new matter has been introduced. Reexamination and reconsideration of the application are respectfully requested.

In the May 18, 2005 Final Office Action, the Examiner rejected claims 1-3, 12, 14, 17-19, 29-31, 40, and 42 under 35 U.S.C. §102(e) as being anticipated by Aoki et al., U.S. Patent No. 6,757,255 B1 (hereinafter the Aoki reference). The Examiner rejected claims 4-6, 13, 15, 16, 20-22, 32-34, 41, 43, and 44 under 35 U.S.C. §103(a) as obvious over the Aoki reference in view of "Communication System An Introduction to Signals and Noise in Electrical Communication" by Carlson et al. (hereinafter the Carlson reference). The Examiner rejected claims 7, 11, 23, 27, 28, 35, 39, and 45-47 under 35 U.S.C. §103(a) as obvious over the Aoki reference in view of "Communication Networks Fundamental Concepts and Key Architectures" by Garcia et al. (hereinafter the Garcia reference). The Examiner rejected claims 8-10, 24-26, and 36-38 under 35 U.S.C. §103(a) as obvious over the Aoki reference in view of the Garcia reference, in further view of the Carlson reference. These rejections are respectfully traversed.

Independent claim 1, as amended, recites:

A method for determining segment bandwidth capacity of a test segment in a network, the method comprising:

identifying a plurality of links that commonly share the test segment to be tested,
the test segment being directly connected to a first router and a second router;
sending a plurality of packet profiles from a plurality of source nodes to a plurality

of destination nodes via the plurality of links, each link of the plurality of links connecting a source node with a destination node, **each link including the test segment**, and **each of the plurality of source nodes being under the centralized control of a central server remote to each of the plurality of source nodes;**

manipulating start times for sending the plurality of packet profiles from the plurality of source nodes so that the plurality of packet profiles **flow through the test segment simultaneously**, wherein **the central server is utilized to command the plurality of source nodes to send the plurality of packet profiles at specific start times;** and

receiving the plurality of packet profiles at the plurality of destination nodes, wherein each of the packet profiles comprises a plurality of packets, and byte count measurements and time stamps are made at the plurality of destination nodes.

The Examiner rejected claims 1-3, 12, 14, 17-19, 29-31, 40, and 42 under 35 U.S.C. §102(e) as being anticipated by the Aoki reference. In so doing, the Examiner stated "referring to Claim 2 and 18 Aoki stated, a central server (Examiner interprets a central server as a communication device which can transmit information via communication subnetwork) is utilized to command the plurality of source nodes to send the plurality of packet profile at specific times, including the manipulation of the start times for the plurality of packet profiles refer to Col 6, Line 1-68, Col 10, Lines 37-52."

The Aoki reference states that " a **TCP communications performance measuring device 2**, shown in FIG. 2, for measuring performance of the TCP communications, is disposed in the communications network system 1 taking this

architecture. As for the disposition of this device 2, **any one of the communications devices 16, 17 and 18 may be selected**, and it may be a predetermined option whether the measuring device 2 and the selected communications device are configured within the same box body or separately configured.” (Column 6, lines 25-33).

The Aoki reference states that “ **a session management unit 23** detects, based on the log information contained in the TCP packet, addresses of a pair of a transmitting-side communications device and a receiving-side communications device which are performing the communications, and records the addresses per pair in a session management table 24 which will be mentioned later on. To be specific, the **session management unit 23 manages per session (the addresses of the pair of communications devices) a flow of the TCP packets.**” (Column 6, lines 47-55).

The Aoki reference does not disclose, teach, or suggest the method specified in independent claim 1, as amended. Unlike the method specified in independent claim 1, as amended, the Aoki reference does not show “**each of the plurality of source nodes being under the centralized control of a central server remote to each of the plurality of source nodes; manipulating start times** for sending the plurality of packet profiles from the plurality of source nodes so that the plurality of packet profiles **flow through the test segment simultaneously**, wherein the central server is **utilized to command the plurality of source nodes to send the plurality of packet profiles at specific start times**”.

The Aoki reference teaches that in a session, packets are sent from a transmitting-side communications device to a receiving-side communications device

and vice versus to measure a round trip time for determining a performance index. The Aoki reference teaches that the **session management unit 23**, located in a **TCP communications performance measuring device 2** disposed in **any one of the communications devices 16, 17 and 18** manages per session a flow of the TCP packets. The Aoki reference makes no mention whatsoever of the **session management unit 23** commanding the communications devices 16, 17 and 18 to send the plurality of packet profiles at specific start times so that the plurality of packet profiles **flow through the test segment simultaneously**.

The Aoki reference does not show “each of the plurality of source nodes being under the centralized control of a central server remote to each of the plurality of source nodes; manipulating start times for sending the plurality of packet profiles from the plurality of source nodes so that the plurality of packet profiles flow through the test segment simultaneously, wherein the central server is utilized to command the plurality of source nodes to send the plurality of packet profiles at specific start times”

Accordingly, Applicant respectfully submits that independent claim 1, as amended distinguishes over the above-cited reference. Claims 3-11, and 45 depend directly or indirectly from independent claim 1, as amended. Therefore, Applicant respectfully submits that claims 3-11, and 45 distinguish over the above-cited reference for the same reasons as set forth above with respect to independent claim 1, as amended.

Independent claims 12, 14, 17, 30, 40, and 42 as amended, recite limitations similar to independent claim 1, as amended. Specifically, independent claims 12, 14, 30, 40, and 42, as amended, recites “each of the plurality of source nodes being under

the centralized control of a central server remote to each of the plurality of source nodes, wherein the central server is utilized to command the plurality of source nodes to send the plurality of packet bursts at specific start times". Independent claim 17, as amended, recites "a central server remote to each of the plurality of source nodes to command the plurality of source nodes to send the plurality of packet profiles at the specific start times".

Accordingly, Applicant respectfully submits that independent claims 12, 14, 17, 30, 40, and 42 distinguish over the above-cited reference for the same reasons as set forth above with respect to independent claim 1, as amended:

Claim 13 depends directly from independent claim 12, claims 15 and 16 depend directly from independent claim 14, claims 19-29, and 46 depend directly or indirectly from independent claim 17, claims 31-39, and 47 depend directly or indirectly from independent claim 30, claim 41 depends directly from independent claim 40, claims 43 and 44 depend directly from independent claim 42. Therefore, Applicant respectfully submits that claims 13, 15, 16, 19-29, 31-39, 41, 43, 44, 46, and 47 distinguish over the above-cited reference for the same reasons as set forth above with respect to independent claim 1, as amended.

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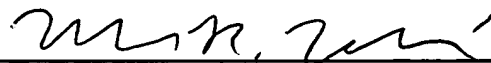
Applicant believes that the foregoing amendment and remarks place the application in condition for allowance, and a favorable action is respectfully requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles telephone number (213) 488-7100 to discuss the steps necessary for placing the application in condition for allowance should the examiner believe that such a telephone conference would advance prosecution of the application.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP

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By: 

Mark R. Kendrick
Registration No. 48,468
Attorney for Applicant(s)

725 South Figueroa Street, Suite 2800
Los Angeles, CA 90017-5406
Telephone: (213) 488-7100
Facsimile: (213) 629-1033